

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 15, 2022

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 15, 2022, at 10:00 a.m., in Council Chambers, with the following present:

Michael H. Vincent	President
Douglas B. Hudson	Vice President
Cynthia C. Green	Councilwoman
John L. Rieley	Councilman
Mark G. Schaeffer	Councilman
Todd F. Lawson	County Administrator
J. Everett Moore, Jr.	County Attorney
Vince Robertson	Assistant County Attorney

Call to Order	The Invocation and Pledge of Allegiance were led by Mr. Vincent. Mr. Vincent called the meeting to order.
M 522 22 Approve Agenda	A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to approve the Agenda as presented. Motion Adopted: 5 Yeas Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea
Minutes	The minutes of the October 25, 2022 meeting were approved by consensus.
Correspondence	Mr. Moore reported that letters were received from Gallery 107 Board, Delaware COPS, Cape Henlopen Senior Center, Relay for Life, Community Resource Center, and Girl Scouts of the Chesapeake Bay thanking Council for their grants and support.
Public Comments	Public comments were heard. Mr. Kevin Murphy representing the Preserve our Park Coalition spoke in opposition of the commercialization and construction of the DNREC proposed building to be located at the Dunes of Cape Henlopen State Park.
Library Advisory Board Appointment	Mr. Lawson reported that there is a vacancy on the Library Advisory Board for District 5. It is being recommended to appoint Ms. Dylan Connolly for a 3-year term. A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that be it

**M 523 22
Approve
Library
Advisory
Board
Appoint-
ment**

moved that the Sussex County Council approve the appointment of Ms. Dylan Connolly to the Library Advisory board effectively immediately until June 2025.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**2023
Schedules**

Mr. Lawson presented the 2023 Council Meeting Schedule and Holiday Schedule for Council's consideration.

**M 524 22
Approve
2023
Schedules**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved that the Sussex County Council approves the 2023 Holiday Schedule and the 2023 County Council Meeting Schedule as presented.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Adminis-
trator's
Report**

Mr. Lawson read the following information in his Administrator's Report:

1. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet Monday, November 21st at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. A copy of the agenda for the meeting is attached.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Arbor-Lyn – Phases 3 & 4 (Construction Record) received Substantial Completion effective October 26th.

3. Council Meeting/Holiday Schedule

Council will not meet on Tuesday, November 22, during the week of Thanksgiving. County offices will be closed on Thursday, November 24th, and Friday, November 25th, for the Thanksgiving holiday and will reopen on Monday, November 28th, at 8:30 a.m.

**Adminis-
trator's
Report
(continued)**

Please also note that Council will not meet on Tuesday, November 29th. The next regularly scheduled Council meeting will be held on December 6th at 10:00 a.m.

4. Sussex County Aaa Bond Rating

Sussex County is honored to announce that it has maintained its 'Aaa' bond rating issued by Moody's Investor Services, which was first awarded in 2019 and reaffirmed this month. This followed a review by Moody's of cities and counties nationwide and the application of new methodology in scoring bond rating awards.

Congratulations to Finance Director Gina Jennings and her team for their steadfast work to observe the highest standards in fiscal management and maintain the County's top bond ratings.

[Attachments to the Administrator's Report are not attached to the minutes.]

**Fourth
Quarter
Employee
Recognition
Award**

Karen Brewington, Human Resources Director presented the Fourth Quarter Employee Recognition Awards. There were 20 submissions received for the fourth quarter. Donald Clark from the Environmental Services Department was selected as the Fourth Quarter winner.

**Public
Hearing/
Countryside
Hamlet
Septic
Elimination**

A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,840,400 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE COUNTRYSIDE HAMLET SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".

Hans Medlarz, County Engineer explained that this project is fully funded with loan forgiveness for a disadvantaged community. Utilities, water and sewer will be provided to the park at no cost to the owners of the mobile homes.

There were no public comments, and the public hearing and public record were closed.

**M 525 22
Adopt
Ordinance
No. 2894/
Countryside
Hamlet**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to Adopt Ordinance No. 2894 entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$1,840,400 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE COUNTRYSIDE HAMLET SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH".

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
Slaughter
Beach Septic
Elimination**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$21,682,488 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE SLAUGHTER BEACH SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Hans Medlarz, County Engineer provided background information of the project for Council’s information.

There were no public comments, and the public hearing and public record were closed.

**M 526 22
Adopt
Ordinance
No. 2895/
Slaughter
Beach**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to Adopt Ordinance No. 2895 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$21,682,488 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE SLAUGHTER BEACH SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**T-Hangar
Building/
Bid Results
&
Recommen-
ded Action**

Robert Bryant, Airport Manager presented bid results for Project A22-23, T-Hangar Building and recommended action for Council’s consideration. Only one bid was received in the amount of \$1,698,000, more than double the project budget. The recommendation is to reject the bid and ask that the Engineering Department be permitted to investigate an alternate bid structure. Mr. Bryant explained that there is a demand and there is currently a waiting list.

**M 527 22
Reject Bid/
T-Hangar
Building**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved based upon the recommendation of the Sussex County Engineering Department that all bids for contract A22-23 T-Hangar Building be rejected and that the Engineering Department investigate an alternate bid structure for the T-Hangar project.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Clean Water Act Enhancement Program Hans Medlarz, County Engineer presented information for the Clean Water Enhancement Program.

Mr. Medlarz explained the goals, benefits, implementation, and responsibilities of the program. This program will be managed by Sussex County with oversight and auditing provided by DNREC.

Mr. Medlarz provided an explanation of the history of the program along with the elements and phases.

A map outlining the watershed service areas was shown and discussed.

Mr. Medlarz provided a spreadsheet showing potential ODB program “credit” projects.

Mr. Medlarz discussed who could use this program to include Sussex County Government, State Agencies, Municipalities within Sussex Watersheds and Commercial & Residential Developers.

Mr. Medlarz provided a proposed timeline for the program.

2022 Agricultural Farm Leases Hans Medlarz, County Engineer presented 2022 Agricultural Farm Leases & Bay-Grow Utilization Award Recommendations for Council’s consideration.

M 528 22 Approve Farmland Leases Agreements A Motion was made by Mr. Rieley, seconded by Mr. Hudson that be it moved based upon the recommendation of the Sussex County Engineering Department that the Sussex County Council approves the award of bids for the Agricultural Farmland Lease Agreements and Bay-Grow delivery to the highest bidders as listed in the award summary sheet.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

FY 2023 Environmental Services Pumper Truck Hans Medlarz, County Engineer presented FY 2023 Environmental Services Pumper Truck Award for Council’s consideration. Mr. Medlarz explained that the department solicited a price quotation based on “similar but not equal” criteria. There were two prices received back from the RFP that was issued.

A Motion was made by Mr. Hudson, seconded by Mr. Rieley that be it

M 530 22
Approve Environmental Services Pumper Truck

moved based upon the recommendation of the Sussex County Engineering Department, that the Environmental Services Pumper Truck procurement be awarded to Mid-Atlantic Waste Systems – Division of THC Enterprises, Inc., in the amount of \$215,732.00.

Motion Adopted: 4 Yeas, 1 Absent

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

EMS Public Safety Bldg/ Change Order Nos. 18 & 20

Hans Medlarz, County Engineer presented change order nos. 18 & 20 for the EMS Public Safety Building for Council’s consideration. For change order no. 18, there is a total of nine items due to several site construction design changes. Change order no. 20 consists of electrical contract changes.

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 18 for contract C19-04, Sussex County Public Safety Building, be approved, for an increase of \$19,574.73.

M 531 22
Approve CO No. 18/EMS Public Safety Bldg.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

M 532 22
Approve CO No. 20/EMS Public Safety Bldg.

A Motion was made by Mr. Rieley, seconded by Mr. Hudson be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 20 for contract C19-04, Sussex County Public Safety Building, be approved, for an increase of \$10,330.17.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Old Business/ FLUM Ordinance

Under Old Business, Mr. Whitehouse presented a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE TEXT AND MAPS OF CHAPTER 13 (MOBILITY ELEMENT) OF THE COMPREHENSIVE PLAN IN ADDITION TO AMENDMENTS TO THE EXISTING AND FUTURE LAND USE MAPS OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-16.00-50.02, 235-22.00-441.00, AND 235-22.00-442.00” (property lying on the west side of Coastal Highway [Route 1], west of the intersection of Coastal Highway and Eagles Crest Road [S.C.R. 264]) (911 Address: 29763 Eagles Crest Road, Milton)

Mr. Whitehouse reminded Council that this was presented at the September

**Old
Business/
FLUM
Ordinance
(continued)**

27, 2022 meeting, at that time, Council had not received a recommendation from the Planning and Zoning Commission. During that meeting, it was deferred for further consideration. Mr. Whitehouse reported that at the October 13, 2022, meeting, the Commission recommended adoption of the Ordinance for the seven reasons as outlined.

A discussion was held about the zoning for this airport as well as other airports located within Sussex County.

**M 533 22
Adopt
FLUM
Ordinance -
DENIED**

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green, to Adopt a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE TEXT AND MAPS OF CHAPTER 13 (MOBILITY ELEMENT) OF THE COMPREHENSIVE PLAN IN ADDITION TO AMENDMENTS TO THE EXISTING AND FUTURE LAND USE MAPS OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-16.00-50.02, 235-22.00-441.00, AND 235-22.00-442.00” (property lying on the west side of Coastal Highway [Route 1], west of the intersection of Coastal Highway and Eagles Crest Road [S.C.R. 264]) for the reasons given by Planning and Zoning numbered 1-7.

Mr. Schaeffer stated that he moved to approve Ordinance 21-06 and amend the text of the two maps with the mobility element of the Comprehensive Plan and portion of the Future Land Use Map based on the record made during the public hearing and for the response provided by the Planning and Zoning Commission. In particular, he emphasized the following reasons: the mobility element of the plan is contained in Chapter 13 of the plan, the current text in the mobility element is insufficient in describing airports and he believes that it is in the best interest of the public to inform them of airports and their locations. It is important to identify these landing strips so that they be known to the public for their protection and for public safety reasons. Airports, ferries, and nautical waterways should be amended to include icons locating each of the airports listed in the amended text of the plan. In the 2008 Sussex County Comprehensive Plan, the Eagles Nest Airport was classified as Industrial Area. On the Future Land Use Map, it reflected the use of the property also. However, the designation did not continue in the current Future Land Use Map as it was omitted. There is evidence on the record, that the Eagles Crest Airport is the 5th largest Delaware Airport and the 2nd largest Airport in Sussex County. Therefore, it is appropriate that the Future Land Use Map be amended to the Industrial Area to reflect the past, present, and future use of this parcel as an airport. It was noted that the Industrial Use designation given to this property in the plan’s Future Land Use Map is not the same thing as Industrial Zoning; it reflects the current and future use of the property. Although there was testimony in the record that this site will continue to be used as an airport; any change to the property would still require additional County public hearings and approvals. For all of these reasons, he believes the changes should be made.

Motion Denied: 2 Yeas, 3 Nays

M 533 22 **Vote by Roll Call:**
Adopt **Mrs. Green, Yea;**
FLUM **Mr. Schaeffer, Yea;**
Ordinance - **Mr. Hudson, Nay; all of the airports were not included, and it is**
DENIED **inconsistent;**
(continued) **Mr. Rieley, Nay; the Ordinance fails to clarify and do what it is proposed to**
 do, and it would introduce inconsistency on the map;
 Mr. Vincent, Nay; all of the airports need to be looked at in the County and
 it would be inconsistent to change for one airport.

Mrs. Roth presented grant requests for Council's consideration.

M 534 22 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$2,000**
Nanticoke **(\$1,000 from Mr. Vincent's Councilmanic Grant Account and \$1,000 from**
River **Mr. Rieley's Councilmanic Grant Account) to Nanticoke River Watershed**
Watershed **Conservancy for Maintenance Equipment.**
Conserv-
ancy **Motion Adopted: 5 Yeas**

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
 Mr. Hudson, Yea; Mr. Rieley, Yea;
 Mr. Vincent, Yea

M 535 22 **A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to give**
Seaford **\$1,000 (\$1,000 from Mr. Vincent's Councilmanic Grant Account) to**
Swimming **Seaford Swimming Pool Association, Inc. for upgrades and improvements.**
Pool
Association **Motion Adopted: 5 Yeas**

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
 Mr. Hudson, Yea; Mr. Rieley, Yea;
 Mr. Vincent, Yea

M 536 22 **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to grant**
Seaford **\$750 (\$750 from Mr. Vincent's Councilmanic Grant Account) to Seaford**
Central **Central Elementary School for their Cooking with a Star program.**
Elementary
School **Motion Adopted: 5 Yeas**

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
 Mr. Hudson, Yea; Mr. Rieley, Yea;
 Mr. Vincent, Yea

M 537 22 **A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to give**
Grace-N- **\$1,500 (\$1,000 from Mrs. Green's Councilmanic Grant Account and \$500**
Mercy **from Mr. Schaeffer's Councilmanic Grant Account) to Grace-N-Mercy**
Ministries, **Ministries, Inc. for their Thanksgiving Dinner event.**
Inc.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 538 22
Milton
Historical
Society**

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to give \$1,000 (\$1,000 from Mrs. Green's Councilmanic Grant Account) to Milton Historical Society for their Woman of Milton Museum Exhibit.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Introduction
of Proposed
Zoning
Ordinances**

Mr. Hudson introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RV AND BOAT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 14.34 ACRES, MORE OR LESS" filed on behalf of Wayne Development, LLC

Mrs. Green introduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR FARM ON A 29.29 ACRE, PORTION, MORE OR LESS, OF A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 93.66 ACRES, MORE OR LESS" filed on behalf of Rifle Range Road Solar, LLC

Mr. Schaeffer reintroduced a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 DISTRICT TO ALLOW THE CONTINUED SALES AND STORAGE OF STONE, MULCH, SOIL, AND RELATED OUTDOOR PRODUCTS AT THE PROPERTY WITH THE EXISTING, NON-CONFORMING BORROW PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 50.90 ACRES, MORE OR LESS" filed on behalf of Howard L. Ritter & Sons, Inc.

**Council
Member
Comments**

Mr. Vincent congratulated Mr. Rieley and Mr. Hudson on their re-election to Council.

Mr. Vincent congratulated Recorder of Deeds-Elect Alexandra Reed Baker on the birth of her baby girl.

M 539 22

At 12:30 p.m., a Motion was made by Mr. Schaeffer, seconded by Mr.

Go Into Executive Session Hudson to recess the Regular Session, and go into Executive Session for the purpose of discussing matters relating to pending/potential litigation, and land acquisition.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Executive Session At 12:38 p.m., an Executive Session of the Sussex County Council was held in the Council Chambers to discuss matters relating to pending/potential litigation, and land acquisition. The Executive Session concluded at 1:28 p.m.

M 540 22 Reconvene A Motion was made by Mr. Hudson, seconded by Mrs. Green to come out of Executive Session to go back into Regular Session.

Motion Adopted: 4 Yeas, 1 Absent

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Absent;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

M 541 22 E/S Action/ Litigation 2022-A A Motion was made by Mr. Rieley, seconded by Mr. Hudson to settle Litigation identified as 2022-A.

Motion Adopted: 5 Yeas

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea

Rules Mr. Moore read the procedures for public hearings on zoning matters.

Public Hearing/ CU2323 A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A TREEHOUSE AND YURT TO BE UTILIZED FOR SHORT-TERM RENTALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.26 ACRES, MORE OR LESS” (property lying on the south side of Reading Street, approximately 0.14 mile south of Old Mill Road [Route 349] and is Lot 45 within the Banks Acres Subdivision) (911 Address: 31631 Reading Street, Millville) (Tax Parcel: 134-12.00-1198.00) filed on behalf of Leslye Brossus

The Planning & Zoning Commission held a Public Hearing on the application on October 13, 2022, at which time the Planning & Zoning

**Public
Hearing/
CU2323
(continued)**

Commission closed the record and deferred for further consideration.

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Ms. Leslyee Brossus spoke on behalf of her Application; that she would like this business to keep her busy in her older years and provide her some income; that she has done it on a small scale; that she is at the end of the street and owns the adjoining property; that there is a large agricultural field in the back of the property; that she has a good relationship with her neighbors; that she would maintain the property well; that there are no deed restrictions for the development; that Mr. Moore stated that a set of private restrictions were located on this subdivision; that her knowledge is that it is not restricted to just a single wide trailer; that houses of any size can be built in this area; that the structure she has on the premise now is very small compared to the houses in the area; that the treehouse is not connected to her home; that the yurt is a temporary structure; that on Number 11 of the restrictions it states no outhouse, shed or outbuilding of any type shall be constructed upon the lot in question except a detached garage can be permitted; that only 2 people can stay in the treehouse and yurt at a time; that there is an outdoor bathroom that is attached to her house.

There were no public comments.

The Public Hearing was closed; the public record was left open until the recommendation is received from the Planning and Zoning Commission.

**M 542 22
Defer
Action/
CU2323**

A Motion was made by Mr. Hudson, seconded by Mrs. Green to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A TREEHOUSE AND YURT TO BE UTILIZED FOR SHORT-TERM RENTALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.26 ACRES, MORE OR LESS”.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
CU2324**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE AND BOAT REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS” (property lying on the west side of Central Avenue [S.C.R. 84],

**Public
Hearing/
CU2324
(continued)**

approximately 350 feet south of Substation Road [S.C.R. 366]) (911 Address: 34282 Central Avenue, Frankford, DE 19945) (Tax Parcel: 134-16.00-700.02) filed on behalf of Zackary Bedell

The Planning and Zoning Commission held a public hearing on October 13, 2022. At the meeting of October 27, 2022, the Commission recommended approval of the application for the 6 reasons provided and subject to the 16 recommended conditions as outlined.

Jamie Whitehouse, Planning and Zoning Director presented the application.

The Council found that Mr. Zackary Bedell spoke on behalf of his Application; that he plans to take older equipment and vehicles and restore them; that he then plans to resell the items; that he does not plan to open up a full automobile repair shop; that he would not have customers in and out every day; that this is on a small scale; that he has not read the conditions from the Planning and Zoning Commission; that he does not plan to have items in the front of the property for sale; that he plans to have an area that is fenced in.

There were no public comments.

**M 543 22
Keep
Record
Open/
CU2324**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to keep the record open until December 13, 2022, to allow the Applicant and the public to make any comments about the conditions that must be done in writing to the Director of Planning and Zoning.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 544 22
Defer
Action/
CU2324**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE AND BOAT REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.00 ACRES, MORE OR LESS"

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

M 545 22

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to adjourn at

Adjourn 2:05 p.m.

Motion Adopted: 5 Yeas

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

**Tracy N. Torbert
Clerk of the Council**

{An audio recording of this meeting is available on the County's website.}